

EXHIBIT NN

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 Case No. MDL No. 1456

4 Civil Action No. 01-12257-PBS

5 -----X

6 In Re: PHARMACEUTICAL INDUSTRY

7 AVERAGE WHOLESALE PRICE LITIGATION

8 -----X

9 (Captions continue on next page.)

10
11 VOLUME II

12 CONTINUED VIDEOTAPE DEPOSITION

13 OF LUIS COBO

14
15 Tuesday, March 4, 2008

16 21st Floor

17 2 South Biscayne Boulevard

18 Miami, Florida 33131

19
20 Reported by: Sherilynn McKay, RMR, CRR

21 Notary Public, State of Florida

1 scope of documents in discovery and things like
2 that that I've come across specifically computer
3 programs from drug manufacturers.

4 Q. In fact, Mr. Cobo, you've never seen an
5 Abbott advertisement for any of the drugs listed
6 in paragraph 30 that markets the difference
7 between average wholesale price and acquisition
8 cost for those drugs, have you?

9 MR. BREEN: Objection. Form.

10 THE WITNESS: Well, again, my concept
11 of marketing the spread is as basic and
12 fundamental as making a representation of a
13 price, whether it's a contract price, average
14 wholesale price, all those things, you know,
15 serve to provide information which is reflective
16 of the spread, and I consider those as
17 representations of marketing the spread.

18 BY MR. COOK:

19 Q. So it's your testimony that Abbott
20 marketed the spread by offering lower prices to
21 customers? Do I have that correct?

22 MR. BREEN: Objection. Form.

1 THE WITNESS: I think the issue is more
2 not just in offering lower prices, but in also
3 creating AWP's that in this particular instant
4 that are used by, you know, Medicaid and Medicare
5 for reimbursement. You know, when there is a
6 large variance in the acquisition price, in the
7 average wholesale price that is represented, and
8 fraudulently so, I mean, I think that represents
9 the spread that we're discussing and I think is a
10 tool for marketing the spread.

11 BY MR. COOK:

12 Q. Can you point to any other activity by
13 Abbott in which Abbott actively marketed the
14 spread for the drugs listed in Exhibit 30?

15 A. Not immediately as I sit here right
16 now, no.

17 Q. What other allegations in Exhibit 547
18 did you see with your own eyes, Mr. Cobo.

19 A. Forty-two. "While the majority of the
20 states published AWP's to calculate" -- "published
21 AWP's to calculate reimbursement, approximately
22 six states....have used wholesale acquisition